REMARKS

I. Introduction

Pending claims 1-24 have been examined and are rejected. Specifically, claims 1-4, 7-10 and 13-16 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by newly applied U.S. Patent No. 5,721,904 to Ito et al. (hereinafter "Ito"); claims 5, 11 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito in view of newly applied U.S. Patent No. 6,535,878 to Guedalia et al. (hereinafter "Guedalia"); claims 6, 12 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito in view of newly applied U.S. Patent No. 6,259,705 to Takahashi et al. (hereinafter "Takahashi"); claims 19, 20 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito in view of newly applied U.S. Patent No. 6,772,131 to Francis et al. (hereinafter "Francis"); and claims 22-24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ito in view of newly applied U.S. Patent No. 6,446,070 to Arnold et al. (hereinafter "Arnold").

As an initial matter, Applicants amend claims 1-21 to further clarify that the servers are Remote Method Invocation (RMI) servers. Additionally, claims 22-24 are canceled without prejudice or disclaimer.

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II. Claim Rejections – 35 U.S.C. § 102(b)

As noted above, claims 1-4, 7-10 and 13-16 stand rejected under § 102(b) as allegedly being anticipated Ito.

As amended, claim 1 recites, *inter alia*, "selecting one of a plurality of Remote Method Invocation (RMI) servers to process the request based on a load of the RMI server and based on whether the RMI server can satisfy the request for data, said RMI server connected to one or more heterogeneous datastores."

Ito fails to disclose or suggest a plurality of RMI servers, let alone selecting one of the RMI servers to process a request (for federated data) based on a load of the RMI server and its ability to satisfy the request. Thus, claim 1 is not anticipated by Ito.[1]

Claims 7 and 13 both recite features similar to those found in claim 1. Thus, claims 7 and 13 are not anticipated by Ito based on a rational analogous to that set forth above for claim 1. Consequently, claims 2-4, 8-10 and 14-16 are not anticipated by Ito at least by virtue of their dependency.

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[1] Furthermore, the Examiner provides no reasonable suggestion or motivation from the references themselves, absent impermissible hindsight, for combing Ito and Arnold (*see* Office Action: pages 6-7). Indeed, Arnold merely describes use of a Remote Procedure Call (RPC) and does not describe a plurality of RMI servers operable to process requests for data stored at heterogeneous datastores.

III. Claim Rejections – 35 U.S.C. § 103(a)

A. Claims 5, 11 and 17

As noted above, claims 5, 11 and 17 stand rejected under § 103(a) as allegedly being unpatentable over Ito in view of Guedalia.

Guedalia fails to make up for the deficiencies of Ito noted above for claims 1, 7 and 13. Consequently, claims 5, 11 and 17 are patentable over the proposed combination of Ito in view of Guedalia at least by virtue of their dependency, as well as the additional features recited therein.

For example, claim 5 recites, *inter alia*, "upon receiving a request to add an additional RMI server, connecting the additional RMI server to an existing RMI server in the server hierarchy based on a number of connections of the existing RMI server." Claims 11 and 17 recite similar features. The Examiner acknowledges that Ito does not teach or suggest these features; however, the Examiner alleges that Guedalia makes up for the deficiencies of Ito (Office Action: page 5, *citing* Guedalia: col. 5, lines 3-16).

To the contrary, Guedalia merely describes limiting the maximum number of threads and limiting the maximum number of connections with respect to a server (Guedalia: col. 5, lines 3-16). Guedalia fails to teach or suggest that upon receiving a request to add an additional RMI server, an additional RMI server is connected to an existing RMI server (in a server hierarchy) based on a number of connections of the existing RMI server.

B. Claims 6, 12 and 18

As noted above, claims 6, 12 and 18 stand rejected under § 103(a) as allegedly being

unpatentable over Ito in view of Takahashi.

Takahashi fails to make up for the deficiencies of Ito noted above for claims 1, 7 and 13.

Consequently, claims 6, 12 and 18 are patentable over the proposed combination of Ito in view

of Takahashi at least by virtue of their dependency.

C. Claims 19, 20 and 21

As noted above, claims 19, 20 and 21 stand rejected under § 103(a) as allegedly being

unpatentable over Ito in view of Francis.

Francis fails to make up for the deficiencies of Ito noted above for claims 1, 7 and 13.

Consequently, claims 19, 20 and 21 are patentable over the proposed combination of Ito in view

of Francis at least by virtue of their dependency.

D. Claims 22-24

As noted above, claims 22-24 are canceled.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned attorney at the telephone number listed below.

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AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/399,696
Attorney Docket No. A8010 / ST9-99-93

The USPTO is directed and authorized to charge all required fees, except for the Issue

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23373
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Date: May 10, 2005

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